

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

THE DUPAGE COUNTY BOARD OF ELECTION )  
COMMISSIONERS, a body politic; KAMI )  
HIERONYMUS, not individually, but as County Clerk of )  
Bureau County; SHARON HOLMES, not individually, )  
but as County Clerk of DeKalb County; RENNETA )  
MICKELSON, not individually, but as County Clerk of )  
Kendall County; NANCY NELSON, not individually, but )  
as County Clerk of Lee County; BARBARA M. LINK, )  
not individually, but as County Clerk of Henry County; )  
JOHN A. CUNNINGHAM, not individually, but as )  
County Clerk of Kane County; and the CITY OF )  
AURORA BOARD OF ELECTION COMMISSIONERS, )  
a body politic, )

Plaintiffs, )

vs. )

ILLINOIS STATE BOARD OF ELECTIONS, a body )  
politic; and JOHN LAESCH, JOTHAM STEIN, BILL )  
FOSTER, each individually, as certified Democratic )  
candidates for the February 5, 2008, Special Primary )  
Election for the 14th Congressional District; CHRIS )  
LAUZEN and JIM OBERWEIS, each individually, as )  
certified Republican candidates for the February 5, 2008, )  
Special Primary Election for the 14th Congressional )  
District, )

Defendants. )

**FILED**

JAN 11 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

Case No. 08 CV 232

Judge Ruben Castillo

Magistrate Judge Susan E. Cox

**PLAINTIFFS' EMERGENCY MOTION**  
**FOR HEARING ON DECLARATORY RELIEF**

NOW COME the PLAINTIFFS, the DUPAGE COUNTY BOARD OF ELECTION COMMISSIONERS (hereinafter referred to as the "DUPAGE COMMISSION"), a body politic; KAMI HIERONYMUS (hereinafter referred to as "HIERONYMUS"), not individually, but as County Clerk of Bureau County; SHARON HOLMES (hereinafter referred to as "HOLMES"), not individually, but as County Clerk of DeKalb County; RENNETA MICKELSON (hereinafter

referred to as "MICKELSON"), not individually, but as County Clerk of Kendall County; NANCY NELSON (hereinafter referred to as "NANCY NELSON"), not individually, but as County Clerk of Lee County; BARBARA M. LINK (hereinafter referred to as "LINK"), not individually, but as County Clerk of Henry County; DANA NELSON (hereinafter referred to as "DANA NELSON"), not individually, but as County Clerk of Whiteside County, by and through their attorneys, PATRICK K. BOND and KEITH E. LETSCHE of BOND, DICKSON & ASSOCIATES, P.C., JOHN A. CUNNINGHAM (hereinafter referred to as "CUNNINGHAM"), not individually, but as County Clerk of Kane County, by and through his attorneys, JOHN BARSANTI, AMY ENGERMAN, AND MARY KATHERINE MORAN, KANE COUNTY STATE'S ATTORNEYS OFFICE; and the CITY OF AURORA BOARD OF ELECTION COMMISSIONERS (hereinafter referred to as the "AURORA COMMISSION") (hereinafter sometimes collectively referred to as the "PLAINTIFFS"), by and through PETER K. WILSON and DEAN M. FRIEDERS, of MICKEY, WILSON, WEILER, RENZI & ANDERSSON, P.C., and pursuant to Federal Rule of Civil Procedure 7(b) bring this Emergency Motion for Hearing on their request for Declaratory Judgment.

In support of this Motion, the PLAINTIFFS state as follows unto this Honorable Court:

1. On January 10, 2008, PLAINTIFFS filed their two-count Complaint against the Defendants, seeking *inter alia* a judicial declaration as to issues raised by Writs issued by Illinois Governor Blagojevich calling for special elections to be held to fill a vacancy in the 14th Congressional District.

2. The parties to this proceeding are the PLAINTIFFS, who are the election authorities charged with the conduct of the elections to be held to fill said vacancy, and the

DEFENDANTS, the Illinois State Board of Elections and the candidates for nomination to fill the vacancy.

3. The two-count complaint seeks a judicial declaration as to the modification of certain election code time periods and procedures relative to the February 5, 2008, and March 8, 2008, special elections compliance with the Uniformed and Overseas Citizens Absentee Voting Act of 1986, and issuance of Writs not in compliance with the state and federal election laws.

4. Securing a judicial declaration as to these matters is an emergency because of the shortened time frame, which prompts the filing of this litigation.

5. All parties to this cause have, or will have, received notice of the filing of this Emergency Motion and the underlying complaint prior to the date of the hearing.

6. The emergency hearing, and order issuing therefrom will protect the interests of the election authorities, the voters in the 14th Congressional District and the candidates for office.

WHEREFORE, PLAINTIFFS, the DUPAGE COUNTY BOARD OF ELECTION COMMISSIONERS, KAMI HIERONYMUS, SHARON HOLMES, RENNETA MICKELSON, NANCY NELSON, BARBARA M. LINK, DANA NELSON, JOHN A. CUNNINGHAM and the CITY OF AURORA BOARD OF ELECTION COMMISSIONERS, pray that this Honorable Court will hear this matter on an emergency basis, and following hearing will enter an order pursuant to 28 U.S.C. § 2201, and Rule 57 of the Federal Rules of Civil Procedure:

A. Declaring as constitutional and in compliance with state and federal election law, the shortened time periods for certain Illinois Election Code procedures as required to comply with the issuance of Writs calling for the elections in this cause, and as set forth in the Special

14th Congressional District Primary Election Calendar and the Special Congressional District General Election Calendar in Group Exhibit "B" to the Complaint;

B. Declaring as constitutional and in compliance with state and federal election law, the PLAINTIFFS use of the special ballot set forth in Exhibit "C" of the Complaint in lieu of the write-in ballot called for in Section 16-5.01(b) of the Illinois Election Code;

C. Declaring as constitutional and in compliance with state and federal election law the clearance of the February 5, 2008, Special Primary Election data from the memory cards and its conversion to hard copy

D. Declaring that the proposed ballot in Exhibit "C" of the Complaint complies with the absentee balloting procedures of UOVACA and regulations and guidelines relating to the implementation thereof;

E. Declaring use of the proposed ballot by PLAINTIFFS in the March 8, 2008, Special Election for absentee voting under UOVACA proper and necessary; and

F. For such other relief to which PLAINTIFFS may be entitled.

Respectfully submitted,

DUPAGE COUNTY BOARD OF ELECTION  
COMMISSIONERS; KAMI HIERONYMUS, Bureau  
County Clerk; SHARON HOMES, DeKalb County Clerk;  
RENNETA MICKELSON, Kendall County Clerk;  
NANCY NELSON, Lee County Clerk; and BARBARA M.  
LINK, Henry County Clerk

By: 

Keith E. Letsche, One of their Attorneys

JOHN CUNNINGHAM, Kane County Clerk

By his attorney

JOHN A. BARSANTI, State's Attorney, Kane County

By: 

Amy Engerman, Assistant State's Attorney

CITY OF AURORA BOARD OF ELECTION  
COMMISSIONERS

By: 

Peter Wilson, One of its Attorneys

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